

EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GERALD A. ENGLER
Senior Assistant Attorney General
RENÉ A. CHACÓN
Supervising Deputy Attorney General
LINDA M. MURPHY, State Bar No. 148564
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-1334
Fax: (415) 703-1234
Email: Linda.Murphy@doj.ca.gov

Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL ALAS,

Petitioner,

v.

WILLIAM SULLIVAN,

Respondent.

C 07-3811 SI

**DECLARATION OF
COUNSEL IN SUPPORT OF
APPLICATION FOR
EXTENSION OF TIME**

I, LINDA M. MURPHY, declare under penalty of perjury as follows:

I am a Deputy Attorney General for the State of California and am assigned to represent respondent in this case.

Petitioner is a state prisoner who was convicted of second degree murder and was found to have suffered a prior serious felony conviction and to have used a weapon in committing the murder. The trial court sentenced him to 30 years to life plus six years in state prison.

Petitioner filed his petition in this Court on July 25, 2007. The Court issued an Order to Show Cause on July 31, 2007.

Decl. of Counsel in Support of App. for Ext. of Time

C 07-3811 SI

1 I have not been able to complete the response to the petition because of the time
2 needed to complete my work assignments which have chronological precedence over this case
3 and because of missing work for medical reasons in October. Since my October 1, 2007,
4 application for an extension to file a response to the order to show cause, I drafted and filed
5 respondent's briefs in *People v. Milligan* (H030704), *People v. Barba-Rejon* (A115165), and
6 *People v. Slater* (H029892), and drafted and filed a Ninth Circuit brief in *Hernandez v. Tilton*
7 (07-16247), drafted and filed a response due to an order to show cause in *Delgado v. Yates* (C-
8 07-0181-CRB), and appeared at oral argument in *People v. Branch* (A113421) and *People v.*
9 *Buenrostro* (H030208). I have been working on a respondent's brief in *People v. Seymour*
10 (A115509), to be filed by Monday, December 3, 2007. All of these matters had chronological
11 precedence over this case. After filing the brief in *Seymour*, I will be turning my attention to this
12 case and to *People v. Rantessi* (A115311), which is the only other case with chronological
13 precedence. I was slowed in my work on my caseload when I was out of the office for week in
14 October for various medical testing following my treatment at the emergency room of John Muir
15 Hospital on October 13, 2007. I have plans to travel out-of-town with my children to visit my
16 father during the last week of December.

17 I left a voicemail message for petitioner's counsel this afternoon informing her that I
18 intend to request an extension of time.

19 Accordingly, I respectfully request that the Court grant respondent an extension of
20 time to and including January 14, 2008, in which to file the answer to the petition.

1 Dated: November 29, 2007

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 RENÉ A. CHACÓN
Supervising Deputy Attorney General

7 /S/
8

9 LINDA M. MURPHY
10 Deputy Attorney General
11 Attorneys for Respondent

12
13 40191907.wpd
SF2007402034

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Alas v. Sullivan*

No.: C 07-3811 SI

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On November 29, 2007, I served the attached **APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE; DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME; ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Hilda Ellen Scheib
Attorney at Law
P.O. Box 29098
San Francisco, CA 94129**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 29, 2007, at San Francisco, California.

Susan Chiang
Declarant


Signature